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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 MICHAEL ANTHONY CERNAK,
14 Defendant.

Case No. 2:03-CR-00534-KJD-RJJ

ORDER

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16 Presently before the Court is Defendant's Motion for Abeyance (#134). Defendant Cernak
17 has simultaneously filed a motion to vacate pursuant to 28 U.S.C. § 2255. However, as this is a
18 second or successive petition under §2255, Defendant has applied to the Ninth Circuit of Appeals for
19 permission to file it. Defendant seeks to hold the petition in abeyance until the Ninth Circuit grants
20 his application. Good cause being found, the Court grants Defendant's Motion for Abeyance.

21 **IT IS SO ORDERED.**

22 DATED this 4th day of October 2016.

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Kent J. Dawson
United States District Judge